

Chapter 12

TRAFFIC

Articles:

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12-2	TRAFFIC CONTROL
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12-5	MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES

Article 12-1

ADMINISTRATION

Sections:

12-1-1 Administration

Section 12-1-1 Administration

It shall be the duty of the town law enforcement agent to provide for the enforcement of the street traffic regulations of the town and all of the state vehicles laws applicable to street traffic in the town, to make arrests for traffic violations, to investigate accidents and to assist in the developing ways and means to improve traffic conditions and to carry out all duties specially imposed upon the town law enforcement agent by this chapter.

Article 12-2

TRAFFIC CONTROL

Sections:

12-2-1	Directing Traffic
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12-2-13	Penalties

Section 12-2-1 Directing Traffic

- A. The town law enforcement agent is hereby authorized to direct all traffic by voice, hand or signal.
- B. Fire officials, when at the scene of a fire, may direct, or assist the town law enforcement agent in directing, traffic in the immediate vicinity.

Section 12-2-2 Traffic Control Devices; Speed Limits

- A. The town manager or his designee shall direct the placement and maintenance of traffic control devices, signs and signals when and as required under the traffic regulations of the town to make effective the provisions of said regulations, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic laws of the town or under state law or to guide or warn traffic. The authority of the town manager or his designee to place and maintain signs under this chapter shall not include authority to post signs setting speed limits on any part of a street or highway within the town different from the speed limits specified in A.R.S. Title 28, Article 6, Chapter 6 unless the council has first adopted an ordinance in conformance with the provisions of A.R.S. § 28-703 authorizing a change of speed limit on such part of a street or highway within the town.
- B. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations of the town unless otherwise directed by the town law enforcement agent, subject to the exceptions granted in this chapter or by state law.
- C. **Speed Limit List.** Pursuant to this section and A.R.S. § 28-703, the town has determined on the basis of engineering and traffic investigation that the maximum speed permitted on certain streets within the town can be declared to be reasonable and safe at speeds in excess of 25 miles per hour. The following table sets forth the maximum speed limit for certain streets within the

corporate limits of the town and the segments of said streets affected by the increased maximum safe and reasonable speed limits:

<u>Street</u>	<u>Segment</u>	<u>Speed Limit (MPH)</u>
All Other Roads		25
Avenue of the Fountains	Palisades Blvd. To La Montana Drive	30
Boulder Drive	Golden Eagle Blvd. to Blackbird Drive	30
Del Cambre Avenue	Grande Blvd. to Calaveras Avenue	25
Desert Canyon Drive	Sunridge Drive to Golden Eagle	35
Eagle Mountain Pkwy.	Shea Blvd. to Summer Hill Blvd.	35
Eagle Ridge Drive	West of Copperwynd Drive	35
El Lago Blvd.	Palisades Blvd. to Saguaro Blvd.	30
El Pueblo Blvd.	Fountain Hills Blvd. to Grande Blvd.	35
Fountain Hills Blvd.	Shea Blvd. to 300' north of Kingstree Blvd.	35
Fountain Hills Blvd.	300' north of Kingstree to Ironwood Drive	45
Fountain Hills Blvd.	Ironwood Drive northward to Palisades Blvd.	35
Fountain Hills Blvd.	Palisades Blvd. to north town limit	35
Glenbrook Blvd.	Bainbridge Avenue to Fountain Hills Blvd.	35
Golden Eagle Blvd.	Palisades Blvd. to (700' west of Edgewater Drive)	35
Grande Blvd.	Saguaro Blvd. to east town limit	30
Indian Wells Drive	Nicklaus Drive to 700' west of Saguaro Blvd.	20
Kingstree Blvd.	Fountain Hills Blvd. to Saguaro Blvd.	35
La Montana Drive	El Lago Blvd. to Parkview Avenue	30
Palisades Blvd.	Golden Eagle Blvd. to Saguaro Blvd.	35
Palisades Blvd.	Shea Blvd. to Golden Eagle Blvd.	45
Palomino Blvd.	Palisades Blvd. to Fountain Hills Blvd.	30

Saguaro Blvd.	Shea Blvd. to Fountain Hills Blvd.	35
Shea Blvd.	West town limit to 1200' west of Technology Blvd.	50
Shea Blvd.	1200' west of Technology Blvd. to east town limit.	45
Summer Hill Blvd.	Eagle Mountain Pkwy. to gate north of Miramonte Way	30
Sunridge Drive	Palisades Blvd. to Golden Eagle Blvd.	35
<u>Private Streets</u>		
Firerock Country Club Dr.	Shea Boulevard to Rock Ridge Trail	20

(02-14 Ordinance, Amended, 10/17/2002, Shea Blvd. change & added Firerock Country Club Drive; 01-01 Ordinance, Amended, 01/18/2001, Fountain Hills Blvd. (Kingstree to Ironwood); 99-31 Ordinance, Amended, 10/21/1999, Del Cambre Avenue Segment speed limit; 99-21 Ordinance, Amended, 08/05/1999; Council Action, Amended, 12/03/1998)

Section 12-2-3 Authority to Designate Crosswalks, Establish Safety Zones and Mark Traffic Lanes

The town manager or his designee is hereby authorized:

- A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- C. To mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with the traffic laws of the town.

Section 12-2-4 Authority to Place and Obedience to Turning Markers

- A. The town manager or his designee is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Section 12-2-5 Authority to Place and Obedience to Restricted Turn Signs

- A. The town manager or his designee is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall have placed proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or such signs may be removed when such turns are permitted.
- B. Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Section 12-2-6 Limitations on Turning Around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

Section 12-2-7 One-Way Streets and Alleys

- A. The town manager or his designee may designate any streets or alleys which are to be limited to one-way traffic.
- B. Whenever the town manager or his designee designates any one-way street or alley, he shall cause to be placed and maintained signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Section 12-2-8 Regulation of Traffic at Intersections

The town manager or his designee shall designate through streets, intersections where stops are required, and intersections where vehicles shall yield the right-of-way.

Section 12-2-9 Drivers to Obey Signs

Whenever traffic signs are erected as provided in this chapter, every driver of a vehicle shall obey such signs unless directed to proceed by the town law enforcement agent or a traffic control signal. No driver shall drive upon or through any private property such as an oil station, vacant lot or similar property to avoid obedience to any regulation included in this chapter.

Section 12-2-10 Processions

- A. No procession or parade, except funeral processions, shall be held without first securing a permit from the town, and all such requests for permits shall state the time, place of formation, proposed line of march, destination and such other regulations as the town may set forth therein.

- B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the town.
- C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or the town law enforcement agent.
- D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Section 12-2-11 Operation of Vehicles on Vacant Lots

- A. No person shall operate a vehicle on or across or park on any portion of an unpaved or unstabilized vacant lot or area unless the property is dust-proofed pursuant to the Town Code or the Town Zoning Ordinance or the site has been issued a Maricopa County permit for the control of fugitive dust from dust generating operations.
- B. No person shall operate any vehicle, including an off-highway vehicle, an all-terrain vehicle, or an off-road recreational motor vehicle, on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by (1) the landowner by rule or regulation of a federal agency, this state, a county or municipality or (2) proper posting if the land is private land.
- C. This section does not apply to the operation of vehicles used in the normal course of business or the normal course of government operations.
- D. A person who violates this section 12-2-11 is guilty of a Class 3 Misdemeanor. In addition to or in lieu of a fine pursuant to this section 12-2-11, a judge may order a person to (1) perform at least eight but not more than twenty-four hours of a community restitution course or (2) complete an approved safety course related to the off-highway operation of motor vehicles, or both.

(Ordinance 08-05, Amended, 03/06/2008)

Section 12-2-12 Commercial Vehicles Prohibited on Certain Streets

- A. No person shall operate any commercial vehicle exceeding eight thousand pounds gross vehicle weight at any time upon any town streets except those streets or parts of streets described as truck routes.
- B. In the event a pickup or delivery point is not located on a truck route but is located within the corporate limits of the town, then a person operating a commercial vehicle may leave an adopted truck route by the nearest route to make a delivery or pickup after which the vehicle must return immediately by the nearest route to an adopted truck route.
- C. The designated truck routes shall be:
 - 1. The full length of Palisades Blvd.

2. Technology Drive from 100 feet north of Saguaro Boulevard to Shea Boulevard.
 3. Saguaro Boulevard. from Fountain Hills Boulevard south to 600 feet southwest of Firebrick Drive.
 4. Laser Drive from Technology Drive west to end of cul de sac east of Leo Drive.
 5. Grande Boulevard from the eastern town limits to Saguaro Boulevard.
 6. Fountain Hills Boulevard from Saguaro Boulevard to the northern town limits.
- D. Notwithstanding any of the provisions of this section, no person shall operate any commercial vehicle exceeding eight thousand pounds gross vehicle weight on any street within the town except upon designated through truck routes when such operation is not in connection with a delivery or pickup within the corporate limits of the town. Designated through truck routes shall be limited to the following:
1. The entire length of Shea Blvd.
 2. For through trucks entering or exiting via McDowell Mountain Road, Eagle Ridge Drive or Sunset Vista Drive any designated truck route may be used.
- E. The provisions of this section do not apply to:
1. Passenger buses.
 2. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.
 3. Any vehicle operated for residential refuse collection.
 4. Fire engines and other emergency vehicles.
 5. Vehicles of other municipalities or political subdivisions.
- F. Special permits for over-height or over-weight vehicles as defined by the Arizona Department of Transportation Motor Vehicle Division General Order No. 17-4-201 through 208, may be acquired from the town engineer.
- (02-13, Amended, 09/05/2002, Ordinance approved)

Section 12-2-13Penalties

Violations of this article shall be punishable as set forth in Chapter 1, Article 1-8, Subsection B, of this code.

(98-08, Added, 02/19/1998)

Article 12-3

PARKING

Sections:

- 12-3-1 Method of Parking**
- 12-3-2 Blocking Traffic**
- 12-3-3 Parking Adjacent to Schools**
- 12-3-4 Authority to Erect Signs Restricting Parking**
- 12-3-5 Parking Vehicles on Sidewalks**
- 12-3-6 Restricted Parking Areas for the Physically Disabled**
- 12-3-7 Stopping, Standing or Parking Prohibited in Specified Fire Lanes**
- 12-3-8 Deleted with the Adoption of Ordinance 04-13 on 10-7-04**
- 12-3-9 Trailer, Construction Equipment or Recreational Vehicle Parking**
- 12-3-10 Stopping, Standing or Parking Vehicles on Streets or right-of-way for the Purpose of Sale**
- 12-3-11 Commencement of Proceedings for Violations**
- 12-3-12 Penalties**
- 12-3-13 Owner's Liability for Parking Offenses**

Section 12-3-1 Method of Parking

Except as otherwise posted, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right hand curb.

Section 12-3-2 Blocking Traffic

- A. No person shall stop, stand or park any motor vehicle, or other vehicle, upon a street in the town in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic, except that a person may stop temporarily, in the actual loading or unloading of passengers, or when necessary, in the observance of traffic signs or signals of the town law enforcement agent.
- B. No person shall park a motor vehicle, or other vehicle, within an alley or entrance to a private driveway except for the loading or unloading of materials, and not then unless such loading or unloading can be accomplished without blocking the alley to the free movement of vehicular traffic.

Section 12-3-3 Parking Adjacent to Schools

When signs are erected indicating no parking on that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place for one hour before school opens until one hour after school closes on any school day.

Section 12-3-4 Authority to Erect Signs Restricting Parking

The town manager or his designee may have erected signs requiring parking at an angle to the curb, allowing parking on the left hand curb on one-way streets, notifying drivers that parking is prohibited and restricting parking in any way that may be necessary. When such signs have been erected, no person shall stop or stand a vehicle in disobedience to such parking restrictions.

Section 12-3-5 Parking Vehicles on Sidewalks

No person shall park any vehicle, whether in usable condition or not, nor shall an owner permit his vehicle to be parked upon any sidewalk in the town.

Section 12-3-6 Restricted Parking Areas for the Physically Disabled

- A. No person shall park a vehicle in a parking space on either public or private property set aside and identified for use only by persons with physical disabilities, unless the vehicle has displayed thereon a distinguishing insignia or numbered plates bearing the international wheelchair symbol as provided in A.R.S. § 28-881. The handicap card shall be placed on the dashboard so as to be visible.
- B. Subsection A of this section shall apply only to those parking spaces that are identified with standard signs or other markers, as approved by the town.

Section 12-3-7 Stopping, Standing or Parking Prohibited in Specified Fire Lanes

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a town law enforcement agent or traffic control device, either on public or private property, in any of the following places:

- A. Within fifteen feet of a fire hydrant.
- B. In any area designated as a fire lane.

Section 12-3-8 Deleted with the Adoption of Ordinance 04-13 on 10-7-04

(Ord. 04-13, Repealed, 10/07/2004, Previous title: Parking of Commercial Vehicles; Ord. 99-33, Amended, 11/04/1999)

Section 12-3-9 Trailer, Construction Equipment or Recreational Vehicle Parking

It is unlawful to have any non-motorized vehicle, trailer, construction equipment or any motorized vehicle which is primarily designed as temporary living quarters for recreational, camping or travel use, parked on a public street right-of-way or easement from the hours of 2:00 a.m. to 4:00 a.m.

Section 12-3-10 Stopping, Standing or Parking Vehicles on Streets or right-of-way for the Purpose

of Sale

No person shall stop, stand or park any vehicle, wholly or partly, on any public street or right-of-way within the Town for the purpose of selling the vehicle.

(99-33, Amended, 11/04/1999; 98-08, Added, 02/19/1998)

Section 12-3-11 Commencement of Proceedings for Violations

- A. An action to hear and determine an alleged violation of this article shall be commenced by issuance of a citation by a peace officer of the State of Arizona or the Town Manager or his authorized designee.
- B. The citation shall be in substantially the form of the Arizona traffic ticket and complaint provided for in Arizona Rules of Procedure in civil traffic violation cases, or in such other form as may be provided from time to time by resolution of the Town Council.
- C. Service of any citation for violation of this article may be accomplished, and will be deemed proper and complete, by any of the following methods:
 - 1. By having the defendant sign the citation with a promise to appear in court ten or more days after issuance of the citation.
 - 2. If the defendant refuses to sign the citation, by hand delivering a copy of the citation to the defendant.
 - 3. By affixing the citation to any motor vehicle owned by the defendant and the parking, location or abandonment of which constitute the offense charged in the citation.
 - 4. In the event service cannot be accomplished as set forth above, the defendant may be served by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court.

(06-14, Amended, 05/18/2006; Ordinance 99-33, Added, 11/04/1999)

Section 12-3-12 Penalties

Violations of this Article shall be punishable as set forth in Chapter 1, Article 1-8. Subsection B, of this code. Each day that a violation continues shall be a separate offense punishable by imposition of a civil sanction not to exceed three hundred dollars.

(Ordinance 99-33, Added, 11/04/1999)

Section 12-3-13 Owner's Liability for Parking Offenses

The registered owner(s) of any vehicle that has been parked in violation of any of the provisions of this article or any other town ordinance prohibiting or restricting parking shall be prima facie responsible for such violation and subject to penalty therefor.

(05-12, Added, 11/03/2005)

Article 12-4

PRIVATE PARKING

Sections:

- 12-4-1 Private Parking Areas -- Generally**
- 12-4-2 Consent; Notice to Public**
- 12-4-3 Permission Required to Remove Vehicles**
- 12-4-4 Notice to Town Law Enforcement Agent and Sheriff**
- 12-4-5 Maximum Towing Charges; Twenty-Four Hour Vehicle Retrieval**
- 12-4-6 Penalties**
- 12-4-7 Parking in Residential Areas**
- Section 12-4-1 Private Parking Areas -- Generally**

No person shall park a vehicle in any private parking area without the express or implied consent of the owner or person in lawful possession of such property.

Section 12-4-2 Consent; Notice to Public

- A. The owner or person in lawful possession of any private parking area shall be deemed to have given consent to unrestricted parking by the general public in such parking area unless such parking area is posted with signs as prescribed by this section which are clearly visible and readable at each entrance to the parking area and as required by the Town Engineer. The signs shall contain the following information:
 - 1. Any restrictions on parking.
 - 2. That violator's vehicle will be towed away at violator's expense.
 - 3. The words "Contact Fountain Hills Law Enforcement at 480-837-8800" or current correct telephone number.
 - 4. The maximum cost to the violator, including storage fees and any other charges that could result from the disposition of his vehicle parked in violation of parking restrictions.
 - 5. That each sign shall state "FHTC § 12-4-2".
- B. No person shall tow or transport a vehicle from a private parking area unless the signs are posted as required by this section and contain all the information specified in subsection A of this section.

(00-28, Amended, 11/16/2000)

Section 12-4-3 Permission Required to Remove Vehicles

No person shall tow or transport any vehicle from a private parking area without the permission of the owner or operator of the vehicle unless such person receives the express written permission from the

owner or agent of the owner of the private parking area. The owner or his agent shall either sign each towing order or authorize the towing by written contract which is valid for a specific length of time. The person towing or transporting the vehicle may not act as the agent of the owner.

Section 12-4-4 Notice to Town Law Enforcement Agent and Sheriff

Any person towing or transporting any vehicle from a private parking area without the express permission of the vehicle owner, shall notify the town law enforcement agent and the Maricopa County sheriff's office immediately upon the taking of such action and provide the following information:

- A. The name and address of the owner of the vehicle, if known.
- B. The vehicle license number and description.
- C. The reason the vehicle was moved without the permission of the person parking such vehicle.
- D. The location where the vehicle was taken.
- E. The name, address and telephone number of the person or company that towed or transported the vehicle.

(06-14, Amended, 05/18/2006)

Section 12-4-5 Maximum Towing Charges; Twenty-Four Hour Vehicle Retrieval

- A. The maximum rate and charge for towing, transporting and impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle shall be seventy-five dollars.
- B. No person towing or transporting the vehicle from a private parking area shall charge any fee or amount in excess of the amount specified in this section.
- C. Any person towing or transporting a vehicle from the private parking area shall maintain personnel able and authorized to release any vehicle to its owner on a twenty-four hour basis, seven days a week.

Section 12-4-6 Penalties

Violations of this article shall be punishable as set forth in subsection B of Article 1-8 of this code.

Section 12-4-7 Parking in Residential Areas

- A. No person shall park or cause to be parked a motor vehicle within the front yard, or within the street side yard of any corner lot, of any residential property unless such vehicle is parked upon a driveway designated as such on the site plan for the property and which is surfaced with asphaltic concrete, pavement bricks, cement concrete or other approved material designated in the Town of Fountain Hills engineering department residential driveway policy. For the purposes of

this section, the front yard and street side yard shall be the entire area between the principal structure and the curb of the adjacent street, as measured from the point on the principal structure furthest from the street.

B. The provisions of this section shall not apply to:

1. Any residence for which a certificate of occupancy has not been issued; or
2. A model home parking lot permitted under an active temporary use permit.

Article 12-5

MOTORIZED SKATEBOARDS AND MOTORIZED PLAY VEHICLES

Sections:

12-5-1	Definitions
12-5-2	Prohibitions
12-5-3	Public Nuisance
12-5-4	Disclosure Requirements
12-5-5	Violations
12-5-6	Deleted with the adoption of Ordinance 05-15 on 11-3-05
12-5-7	Deleted with the adoption of Ordinance 05-15 on 11-3-05
12-5-8	Deleted with the adoption of Ordinance 05-15 on 11-3-05

Section 12-5-1 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context indicates a different meaning:

- A. "Merchant" means any person required to obtain a business license pursuant to Section 8-1-1 of this Code.
- B. "Motorized play vehicle" means a coaster, scooter, any other alternatively fueled device (excluding battery operated toy carts designed for children under the age of eight (8) years to ride in or on) or other motorized vehicle that is self-propelled by a motor or engine and which is not otherwise defined in Arizona Revised Statutes, Title 28, as amended, as an "electric personal assistive mobility device", "moped", "motor-driven cycle", "motor vehicle", "motorized wheelchair" or "motorcycle".
- C. "Motorized skateboard" means a self-propelled device that has a motor, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground and which is not otherwise defined in Arizona Revised Statutes, Title 28, as amended, as an "electric personal assistive mobility device", "moped", "motor driven cycle", "motor vehicle", "motorized wheelchair" or "motorcycle".
- D. "Multi use path" means an off-road hard surfaced path that may be separated from motorized vehicle traffic by an open space or barrier. A multi use path is used exclusively for pedestrians, and any human-powered vehicles or devices.

(05-15, Amended, 11/03/2005; 98-35, Added, 12/17/1998)

Section 12-5-2 Prohibitions

- A. No motorized skateboard or motorized play vehicle may be operated on any public property, sidewalk, roadway, crosswalk or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail or multi-use path.
- B. No motorized skateboard or motorized play vehicle may be operated on any private property or private roadway without the express written permission of the owner of the

property or roadway, the person entitled to immediate possession of the property, or the authorized agent of either.

- C. The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this section. If a sanction is imposed upon a minor who is found to be in violation of this section, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the sanction, whether or not the parents or guardian knew of, or anticipated, a violation of this section.

(05-15, Amended, 11/03/2005, Previous title: Application of Traffic Laws; 98-35, Added, 12/17/1998)

Section 12-5-3 Public Nuisance

It shall be public nuisance and a threat to public safety for any person to operate a motorized skateboard or motorized play vehicle on any private property or private roadway in violation of any of the following restrictions:

- A. No person shall operate a motorized skateboard or motorized play vehicle in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighbor or neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.
- B. No person shall operate a motorized skateboard or play vehicle at any time between sunset and sunrise.
- C. No child under the age of fourteen (14) years shall operate a motorized skateboard or motorized play vehicle.
- D. No person shall operate a motorized skateboard or motorized play vehicle at a speed greater than is reasonable and prudent under the circumstances then existing.
- E. The operator of a motorized skateboard or motorized play vehicle approaching a sidewalk, bicycle path, bicycle lane, or multi-use path in order to cross such, shall yield the right-of-way to all other users.
- F. No operator of a motorized skateboard or motorized play vehicle shall allow passengers when the motorized skateboard is in operation or motion.
- G. No person operating or riding upon a motorized skateboard or motorized play vehicle shall attach himself or herself or the motorized skateboard or motorized play vehicle in any manner to any other vehicle.
- H. No person shall operate a motorized skateboard or motorized play vehicle while carrying any package, bundle, or article which prevents the operator from keeping both hands upon the steering mechanism at all times.
- I. No person, other than the owner, shall operate a motorized skateboard or motorized play vehicle on private property or on a private roadway without the written permission of the property owner.

- J. No person shall operate a motorized skateboard or motorized play vehicle that has been mechanically or structurally altered from the original manufacturer's design.
- K. No person shall operate a motorized skateboard or motorized play vehicle except in compliance with all duties applicable to the driver of the vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by the traffic laws of the town applicable to the driver of a vehicle except as to those provisions which by their nature can have no application provided, however that nothing contained in this subsection shall be construed to require the licensing or registration of motorized skateboards or motorized play vehicles, the licensing of motorized skateboard or motorized play vehicle operators, or the carrying of insurance covering accidents involving motorized skateboards or motorized play vehicles.

(05-15, Amended, 11/03/2005, Previous title: Responsibility of Parents, Guardians and Custodians; 98-35, Added, 12/17/1998)

Section 12-5-4 Disclosure Requirements

It is unlawful for a merchant to sell motorized skateboards or motorized play vehicles without making the disclosures required by this section. Any merchant who sells motorized skateboards or motorized play vehicles within the Town shall post, in a prominent place at each location where motorized skateboards or motorized play vehicles are on display, a notice to the effect that operation of motorized skateboards and motorized play vehicles is prohibited:

- A. On any public property, sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or multi-use path in the Town of Fountain Hills; and
- B. On any private property without the written permission of the owner of the property, the person entitled to immediate possession of the property, or the authorized agent of either.

(05-15, Amended, 11/03/2005, Previous title: Prohibited Operation; 02-04, Amended, 04/18/2002; 98-35, Added, 12/17/1998)

Section 12-5-5 Violations

- A. Any violation of or failure or refusal to do or perform any act required by Section 12-5-2, except subsection 12-5-2(B), of this Article constitutes a civil traffic violation. Civil traffic violations are subject to the provisions of Arizona Revised Statutes, Title 28, Chapter 6, Articles 20 and 21 and amendments thereto.
- B. Any violation of or failure or refusal to do or perform any act required by subsection 12-5-2(B) or Section 12-5-3 of this Article constitutes a civil offense. The municipal court of the town shall conduct a hearing and shall assess a sanction of \$100.00 for a first violation, \$200.00 for a second violation and \$500.00 for all subsequent violations. Each day a violation occurs shall constitute a separate event.

(05-15, Amended, 11/03/2005, Previous title: General Operating Restrictions; 98-35, Added, 12/17/1998)

Section 12-5-6 Deleted with the adoption of Ordinance 05-15 on 11-3-05

(05-15, Repealed, 11/03/2005, Previous title: Operating Restrictions on Roadway; 98-35, Added, 12/17/1998)

Section 12-5-7 Deleted with the adoption of Ordinance 05-15 on 11-3-05

(05-15, Repealed, 11/03/2005, Previous title: Required Safety Equipment; 02-04, Amended, 04/18/2002; 98-35, Added, 12/17/1998)

Section 12-5-8 Deleted with the adoption of Ordinance 05-15 on 11-3-05

(05-15, Repealed, 11/03/2005, Previous title: Violations; 98-35, Added, 12/17/1998)